

APPENDIX

EXHIBIT 6

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

PLEASE TAKE NOTICE that defendants Charles S. Doherty and United States
Rebar, Inc., by and through their undersigned counsel, respectfully move this Court for an Order
dismissing Plaintiffs' Amended Complaint in its entirety pursuant to Fed. R. Civ. P. Rule
12(b)(6). In addition, should the Court determine that the presentation of evidence relating to the
matters raised by this motion would be beneficial, defendants respectfully request a hearing
pursuant to Rule 12(i). Oral argument will be held on a date and time to be designated by the
Court (previously set by the Court for February 26, 2008, at 2:00 p.m.). This Motion is
supported by the accompanying Memorandum of Law, dated January 15, 2008, the
accompanying Declaration of James O. Druker, Esq., executed on

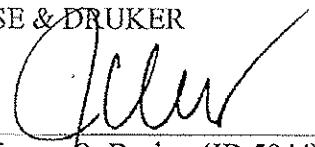
January 11, 2008, and the exhibits annexed thereto, the accompanying Affirmation of Michael Rabinowitz, Esq., sworn to on December 19, 2007, and the exhibits annexed thereto, the Affidavit of Charles S. Doherty, sworn to on December 26, 2007, and the Affidavit of Thomas E. McDonagh, sworn to on December 21, 2007.

Dated: January 15, 2008

Respectfully submitted,

KASE & DRUKER

By:


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